

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

**ROBERT E. MORLEY, JR., et al.** )  
  )  
  )  
**Plaintiffs,**                      )  
  )  
  )  
**vs.**                                 )  
  )  
  )  
**SQUARE, INC., et al.,**            )  
  )  
**Defendants.**                     )

**Case No. 4:14cv172  
Case No. 4:10cv2243 SNLJ  
CONSOLIDATED**

**and**

**SQUARE, INC., et al.**            )  
  )  
**Plaintiffs,**                      )  
  )  
**vs.**                                 )  
  )  
**REM HOLDINGS 3, LLC,**          )  
  )  
**Defendant.**                      )

**MEMORANDUM AND ORDER**

This matter is before the Court on the parties' cross motions to amend the case management order (#261, #264). More than thirty motions have been filed in this case since June 2015, including five motions to compel, and total filings comprise approximately 5,000 pages. The Court disposed of the final motion to compel (#192), which finished briefing on October 20, 2015, today. Due to extensions, the addition of

new motions, and the sheer volume of materials filed with the Court, the discovery and motion schedule has been compromised.

This Court previously granted defendants' request to extend the close of discovery until the later of 30 days after resolution of the motions to compel, or 30 days after completion of the document production resulting therefrom. Plaintiffs want to set a firm deadline for fact discovery with the understanding that any discovery specifically ordered by the Court as a result of the remaining motion to compel will be handled on a case-by-case basis. In addition, plaintiffs want to modify the dispositive/expert motion briefing schedule only slightly so as to preserve the June 13, 2016 trial date. Defendants propose a more open-ended schedule culminating in dispositive/*Daubert* motions due 30 days after completion of expert discovery. The Court will set the amended schedule as follows:

<b>Event</b>	<b>Previous Deadline</b>	<b>Amended Deadline</b>
Fact Discovery	Indefinite	Nov. 25, 2015
Opening Expert Reports	Oct. 23, 2015	Nov. 25, 2015
Rebuttal Expert Reports	Nov. 20, 2015	Jan. 6, 2016
ADR Reference Terminates	Nov. 18, 2015	Dec. 18, 2015
Close of Expert Discovery	Dec. 4, 2015	Jan. 13, 2016
Dispositive Motions <i>Daubert</i> Motions	Dec. 11, 2015	Jan. 20, 2016
Opposition Briefs	Jan. 8, 2016	Feb. 17, 2016
Reply Briefs	Jan. 29, 2016	Mar. 2, 2016
Jury Trial (one week)	June 13, 2016	June 13, 2016

To the extent the parties need additional time in which to schedule and conduct depositions or comply with court-ordered document productions, the fact discovery deadline is flexible. It appears that only limited productions will be necessary at this

point; the Court must review documents submitted *in camera*, but that task will be completed in the near future. It is the Court's understanding that the parties have substantially prepared their opening expert reports in anticipation of the original October 23 deadline, so very little time should be required for those.

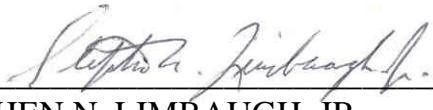
The briefing schedule set forth above is generous with respect to response and reply periods. The parties are urged to keep to those deadlines. Any sur-reply must be filed no later than March 7, 2016, so that the Court may begin addressing the motions effectively.

Finally, the jury trial for this matter is currently scheduled for one week. If either party believes that this trial will take longer than the one week for which it has been scheduled, it must advise the Court as soon as possible.

Accordingly,

**IT IS FURTHER ORDERED** that parties' cross motions to amend the case management order (#261, #264) are **GRANTED** in part and **DENIED** in part as set forth in the memorandum.

Dated this 18th day of November, 2015.



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STEPHEN N. LIMBAUGH, JR.  
UNITED STATES DISTRICT JUDGE